

Appendix A

Analysis of Scoping Comments

Rebel/Beat Street Placer Exploration Project

Three individuals/organizations commented during the public comment period of May 28, 2016 to June 27, 2016. The disposition of the comments are found in the Table below. The original comment letters are available in the project record.

Commenter	Comment	Disposition
Gary Macfarlane Friends of the Clearwater	An EA is required.	The project meets the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate.
	The proposes sump(s) may affect ground water.	Potential impacts to groundwater from the proposed activities will be analyzed and discussed in the Decision.
	The 100 locations may easily take more than a year to complete.	The duration of the operation would be one year or less.
	It is clear that activity will take place in RHCAs. Buffers of only 20 to 30 feet from water will be followed. As such, a CE is inadequate.	Mineral exploration may occur in riparian areas, so long as potential resource issues have been identified and design criteria, mitigation measures and Best Management Practices are followed.
	It should be emphasized the agency's duties under the ESA are not overridden by any "rights" the applicants may have under the 1872 mining law. The courts are clear in ruling that prohibitions under the ESA must be enforced, even to deny mining operation.	<p>If the project meets the criteria outlined in 36 CFR 220.6, then the claimant has a right under the 1872 Mining Law to enter National Forest System lands and conduct reasonable activities to prospect and explore for mineral resources.</p> <p>Potential impacts from proposed activities to species listed under the Endangered Species Act will be analyzed and discussed in the Decision. Consultation with the US Fish and Wildlife Service and National Marine Fisheries Agency will be conducted and required conservation measures implemented, if necessary.</p>
	The issue of claim validity is important. This is important because the reasonableness of the proposed action needs to be adequately considered for such a proposal.	Validity determination is not a part of the proposed action.

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Gary Macfarlane Friends of the Clearwater	The Forest Service is charged to ... minimize the amount of disturbance to surface resources in order to prevent unnecessary destruction of the area, and to ensure to the extent feasible that disturbance is commensurate with each level of development.	All appropriate State of Idaho Best Management Practices for mining will be followed. Standard mitigation measures for mining will be implemented as appropriate. The claimant is in the exploration phase of operations. If the claimant wishes to pursue a higher level of exploration or mining development additional NEPA will be required.
	The question must be asked, "Has the claimant made the discovery of a "valuable mineral deposit" on this claim?" A mining claim location does not give presumption of a discovery.	In order to make a discovery of a valuable mineral deposit or establish a valid mining claim, the operator has a statutory right under the 1872 Mining Law to enter National Forest System lands to conduct reasonable activities to explore for mineral resources.
	The Forest Service is proposing to approve the project prior to any analysis.	Effects to the environment will be analyzed before the decision to approve (or not approve) the Plan Of Operation is made.
	The automatic assumption that this can be approved with a CE fails to take a hard look at the need for the discharge of water from the exploration, constructing of drill pads, and other cumulative impacts from the Jule mining project that was out for comment last year.	The project meets the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate. There would be no cumulative effects from the Jule Shaft Exploration project since the project was cancelled.
Jonathan Oppenheimer and Mackenzie Case, Idaho Conservation League	The project should comply with all federal and state laws....	This project would comply with all federal and state laws including the Clearwater National Forest Plan.
	Mining activities have the potential to cause extreme harm to the local environment. This proposal requires additional NEPA review and the granting of a Categorical Exemption or CE would be inappropriate.	The project meets the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate.
	The proposed action may be ... incompatible with aquatic species inhabiting this watershed.	Potential impacts to aquatic species from the proposed actions will be analyzed and discussed in the Decision.
	Weed-free straw bales should line any drainages to protect streams from sedimentation and be removed upon completion of operations.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.

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Jonathan Oppenheimer and Mackenzie Case, Idaho Conservation League	<p>The effects of mining exploration activities on surface water and groundwater quantity and quality need to be determined for a full range of flow conditions. This geochemical analysis should include the following factors:</p> <ul style="list-style-type: none"> • preexisting water quality issues from previous mining activities • sedimentation from roads and trails • transportation of hazardous or toxic materials near streams • on-site water needs • source of water • the depth and flow of water table • the potential for household chemicals and toxins to leach into surface and ground waters • water capture and subsequent leakage by trenches • waste water discharge from site • storm water runoff 	<ul style="list-style-type: none"> • There are no known water quality issues due to previous mining activities within the drainage. • Sedimentation from roads and trails would be monitored and mitigated as stipulated in the approved Plan of Operation. • Fuel and oil would be the only toxic materials transported near streams. A hazardous material and spill prevention plan would be in place, per the Plan of Operation, before activities could begin. • Onsite water needs and sources were addressed in the Scoping notice. • A detailed analysis of water table depth and flow is beyond the scope of this project. A detailed analysis would be conducted if full scale mining is proposed at a later time. • No household chemicals and/ or toxins would be discharged onsite. • No trenches would be used. • No water would be discharged into the surrounding area. Drilling operations would be regulated or suspended to allow infiltration if the sump approaches capacity.
	The Forest Service should conduct baseline water quality analyses in the project area to help identify risks to water quality and quantity, as well as monitor for contamination during the project activities.	Conducting baseline water quality analyses is outside the scope of the proposed action.
	[FS] should monitor water quality downstream of the operations for seepage and turbidity. If visible turbidity is triggered by the project, operations should cease for further evaluation.	Potential impacts to water quality will be analyzed and discussed in the Decision. Sediment generation and movement would be monitored and mitigated for as stipulated in the approved Plan of Operation.
	We appreciate water would be recycled and a permit from the Idaho Department of Water Resources obtained prior to work beginning.	Thank you for your comment.
	We also appreciate that the location of the test holes are indicated on a map.	Thank you for your comment.

Commenter	Comment	Disposition
Jonathan Oppenheimer and Mackenzie Case, Idaho Conservation League	Describe impacts to RHCAs, how soils, wetlands or other resources will be impacted, and whether stream shade will be impacted.	Potential impacts to RHCAs, soils, wetlands, water resources and Riparian Management Objectives (RMOs) from the proposed actions will be analyzed and discussed in the Decision.
	In addition, the BA/BE should detail how the project is consistent with PACFISH/INFISH standards and how riparian management objectives will be satisfied when the project is complete.	All operations would comply with the Clearwater National Forest Plan standards, including those amended by PACFISH / INFISH. Potential impacts on RMOs from the proposed actions will be analyzed and discussed in the Decision.
	The operator needs to obtain a storm water discharge permit to reduce erosion from the disturbed area.	No water would be discharged into the surrounding area. Drilling operations would be regulated or suspended to allow infiltration if the sump approaches capacity.
	We ask that the Forest Service require the operator to avoid off-roading to avoid the spread of noxious weeds and damage of resources.	Drill sites would be accessed using existing roads. An old skid trail may be used to access to some sites as well. Areas impacted by equipment travel would be reconditioned, as needed, as part of the reclamation.
	The [FS] should survey the project area for noxious weeds and analyze the extent motorized vehicles are contributing to their spread.	The issue is outside the scope of the proposed action.
	Disturbed soil and waste rock piles need to be reseeded with native plants, and weeded to prevent expansion of noxious weeds.	Disturbed sites (soil) would be reseeded as part of the reclamation process. Waste rock piles are not expected from the project. The project area would be monitored for noxious weeds and, if found, appropriate measures taken for removal and control.
	The Forest Service should monitor the areas subjected to replanting for the full three years to ensure vegetation success.	The project site would be monitored until such a time as revegetation has reached a satisfactory level.
	The US Forest Service must submit a biological assessment to the USFWS and NMFS.	Effects to federally listed species will be analyzed and consultation with USFWS and/or NMFS will be conducted, if needed.

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Jonathan Oppenheimer and Mackenzie Case, Idaho Conservation League	The reclamation bond must be substantive enough to cover the worst possible impacts to the project area as well as the areas surrounding the transportation route and processing site.	A reclamation bond sufficient to cover all necessary reclamation would be calculated by the Forest Service. The bond would be submitted by the operator before the Plan of Operation was approved and work could begin.
	Reclamation should take place concurrently with the exploration operation.	Per the scoping letter, “As testing is completed at each hole, the hole will be refilled with the excavated material and reclaimed by covering the area with available forest duff and woody debris and seeding with an appropriate seed mix.”
	Complete reclamation should occur as soon as possible after operations cease.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.
	The operator should post signs around the perimeter of the exploration area to inform recreational users of their project.	Public safety is a primary concern and therefore all required safety measures would be implemented and adhered to by the operator.
	The Scoping Notice does not indicate whether the operators will be living onsite during exploration.	Operators would be allowed to camp on the Forest for the duration of operations (as appropriate) upon approval of the Plan of Operation. Existing campsites in the area would be utilized, with impacts similar to those of other campsite users.
	All garbage must be disposed of appropriately in a timely fashion.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.
	All food should be stored in bear-proof containers.	As with other forest users, the operator is not required to store food in bear-proof containers.
	All human waste should be disposed of properly in an approved sanitation facility.	Sanitary facilities would be available and used at the site.
	Generators should be turned off at sunset to minimize noise levels and light levels according to Dark Sky principles.	The operator would be required to adhere to the same standards as all other forest users regarding the use of generators.
	An appropriate sized spill kit should be on site for refueling.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.

Commenter	Comment	Disposition
Jonathan Oppenheimer and Mackenzie Case, Idaho Conservation League	We recommend that fuel or oil must be stored outside of RCAs.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.
	Hazardous wastes including grease, lubricants, oil, and fuels need to be disposed off off-site in an environmentally appropriate manner.	This is a standard mitigation measure and would be included in the Plan Of Operations, if approved.
	We believe it is improper to approve this project using Category 8 ... The Forest Service never performed a direct, indirect or cumulative impacts analysis (or any of the required ESA consultation and analysis) on Category 8 and the related provisions in Chapter 30 of the Forest Service Handbook regarding extraordinary circumstances. Accordingly, because adoption of Category 8 and Chapter 30 violated NEPA and the ESA, the Forest cannot rely upon on those provisions for the approval of the proposed exploration project.	The issue is outside the scope of the proposed action.
	The Forest Service must analyze and disclose the direct and indirect cumulative effects of this project in conjunction with all past, present and reasonably foreseeable future actions, including additional exploration projects in the area.	Cumulative effects will be analyzed and discussed in the Decision. The scope of the cumulative effects analysis will be determined by the individual resource specialists.
Daniel Stewart Idaho Department of Environmental Quality	Project activities may affect the NP-CW NF's ability to achieve flow based on pollutant allocation reduction associated with Forest land or management activities.	Thank you for your comment.
	Projects initiated after the establishment of TMDL pollutant load allocations can adversely affect water quality through a reduction in load capacity.	Thank you for your comment.